IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 30966 of 2006(J)

PETITIONER:

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1. MAHAMOOD IBRAHIM SAIT,
   MANAR, R.K.PILLAI ROAD, CHULLIKKAL, KOCHI-5.

2. IQBAL ISMAIL SAIT,
   ELARI ESTATE & RESORT PVT. LTD.,
   506, GOVIND APARTMENT, KALATHIL PARAMBIL ROAD,
   ERNAKULAM SOUTH, KOCHI-16.

3. S.M.MANSOOR,
   23/2241, ST.JOSEPH CONVENT ROAD,
   NEAR MOTHER TERESA JUNCTION,
   CHULLIKKAL, COCHIN-2.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

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1. KERALA WAKF BOARD,
   REP. BY THE CHIEF EXECUTIVE OFFICER,
   NEAR INTERNATIONAL STADIUM, KOCHI-17.

2. P.M.KUNJU MOIDEEN KUTTY,
   ADVOCATE, KULLASSERICANAL ROAD,
   ERNAKULAM.

BY ADV. SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO. 30966/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE DOCUMENT NO. 8/1103(ME)

EXT.P2 COPY OF THE DOCUMENT NO. 3/1103(ME)

EXT.P3 COPY OF THE DOCUMENT NO.15/1119 (ME)

EXT.P4 COPY OF THE ORDER O. A2-3338 & 3339 / RA DATED 02/03/2006 OF THE 2ND RESPONDENT.

EXT.P5 COPY OF THE REQUEST DATED 22/08/2006 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.

EXT.P6 COPY OF THE REQUEST DATED 08/03/2006 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P7 COPY OF THE ORDER NO.B1-3338 & 3339 / CP DATED 20/09/2006 OF THE 2ND RESPONDENT.

EXT.P8 COPY OF THE PETITION DATED 27/09/2006 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) 30966 OF 2006

Dated, this the 30th day of January, 2007

J U D G M E N T

Petitioners are challenging, appointment of second respondent as 'interim Muthawalli' vide Ext.P7 order. The learned Standing Counsel for the Wakf Board submits that, Wakf Board, in consultation with the petitioners and other members of the family will appoint 'Muthawalli', whether it be a committee or an individual. In view of the submission made by the learned counsel for the first respondent that Muthawalli will be appointed within a reasonable time after consultation with the petitioners and other family members, this writ petition is disposed of directing the first respondent to appoint 'Muthawalli', keeping in view of the objectives of the Wakf, within a period of six weeks from the date of production of a copy of this judgment. In between interim arrangement will continue. However, the Wakf Board will instruct the second respondent not to take any policy decision nor make any major financial commitments. It will be open to the Wakf Board to keep an independent member in the Committee of 'Muthawallis' to ensure that the objectives of the Wakf are not defeated.

C.N.RAMACHANDRAN NAIR, JUDGE.

jg